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December 9, 2003

VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 - 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

RECEIVED

DEC - 9 2003

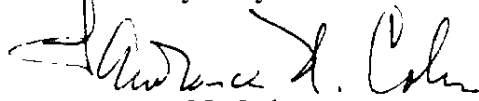
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Dortch

On behalf of HBC License Corporation, licensee of Station WVIX(FM), Joliet, Illinois, there is herewith submitted an original and four copies of its Petition for Rule Making which asks the Commission to issue a notice of proposed rule making to modify the FM Table of Allotments (47 C.F.R. Section 73.202(b)) by deleting Channel 228A from Joliet, Illinois and adding Channel 228A to Lemont, Illinois.

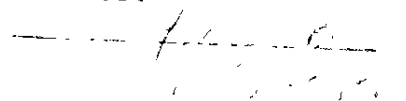
Please direct any communications regarding the enclosure to the undersigned counsel.

Yours very truly


Lawrence N. Cohn

Enclosures

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ORIGINAL

BEFORE THE
Federal Communications Commission

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In the Matter of

DEC - 9 2003

Amendment of Section 73.202(b))	MB Docket No.	FEDERAL COMMUNICATIONS COMMISSION
Table of Allotments)	RM-	OFFICE OF THE SECRETARY
FM Broadcast Stations)		
(Joliet and Lemont, Illinois))		

To: John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Petition for Rule Making

HBC License Corporation ("HBC L/C"), licensee of Station WVIX(FM), operating on Channel 228A at Joliet, Illinois (FCC Facility ID No. 48449), by its counsel, hereby requests that the Commission issue a notice of proposed rule making which proposes to amend the FM Table of Allotments (47 C F R. Section 73.202(b)) by deleting Channel 228A from Joliet, Illinois, adding Channel 228A to Lemont, Illinois, and, upon the filing and grant of an appropriate application by HBC L/C, modifying its authorization¹ to change Station WVIX's community of license to Lemont. In support of this request, HBC L/C states as follows

¹ The station is operating pursuant to automatic program test authority from a new site authorized by the Commission's grant of BPH-20020822ABT. A license application (BLH-20031015ADZ) is pending before the Commission.

Station WVIX(FM) operates on Channel 228A at Joliet, Illinois. There are two AM stations (WJOL and WWHN), four FM stations (Station WVIX, and also Stations WCFS, WJCH, and WLLI), and one television station (WGBO-TV) licensed to Joliet (2002 U.S. Census population of 106,221). By contrast, Lemont, Illinois, which is an incorporated village with a 2000 U.S. Census population of 13,098 (which has an elected mayor and Village Board, a refurbished Village Hall, a public library, a post office, several public schools, other governmental offices, a zip code, numerous retail and service establishments (including a bank), many places of worship, etc.), has no radio (or television) stations assigned to it. HBC L/C submits that, in accordance with the principles articulated in Section 307(b) of the Communications Act of 1934, as amended, the public interest would clearly be served by deletion of Channel 228A from Joliet, which would leave it with five local radio stations (and one local television station), and the allotment of Channel 228A to Lemont for operation by WVIX as the community's first local transmission service.

The instant Petition for Rule Making is filed pursuant to Section 1.420(i) of the Commission's rules (47 C.F.R. Section 1.420(i)). Operation of a station on Channel 280A at Lemont, Illinois, is incompatible with the operation of Station WVIX on Channel 280A at Joliet; accordingly, HBC L/C's request for the modification of its authority to change community of license from Joliet to Lemont does not afford any other interested parties an opportunity to file competing expressions of interest. See, Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

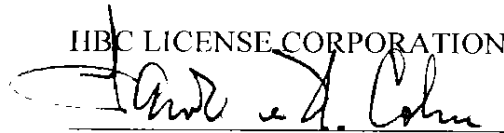
The current reference point for Channel 228A is the site from which Station WVIX currently operates pursuant to program test authority (see footnote 1, supra) As demonstrated in the attached Technical Statement of Louis Robert du Treil, Jr., the station's principal community contour covers all of Lemont, and no change in transmitter site is proposed herein. As explained by Mr. du Treil, Jr., proposed allotment of Channel 228A to Lemont is consistent with all Commission spacing requirements, except with respect to pre-1964 "grandfathered" short-spaced stations WXRT-FM, Chicago, Illinois and WLIT-FM, Chicago, Illinois. The existence of these shortspacings is not a bar to the reallocation of Channel 228A to Lemont See, e.g., Worcester and Westborough, Massachusetts, DA 03-3554, MM Docket No. 02-49 (rel. November 14, 2003), Erratum (rel. December 8, 2003).

For the reasons stated above, HBC L/C hereby petitions the Commission to issue a notice of proposed rule making seeking comment on the deletion of Channel 228A from Joliet, the addition of Channel 228A to Lemont and, upon the filing and grant of an appropriate application by HBC L/C, the modification of its authorization to operate Station WVIX on Channel 228A at Lemont. If the Commission issues such a notice of proposed rule making, HBC L/C represents that it will timely file comments in support of

the proposal and, upon grant of the proposal, it will file an application to obtain Commission approval to modify the authorization for Station WVIX accordingly²

Respectfully submitted

HBC LICENSE CORPORATION

A handwritten signature in black ink, appearing to read "Lawrence N. Cohn", is written over a horizontal line.

Lawrence N. Cohn
Cohn and Marks, LLP
1920 N. Street, N.W. (Suite 300)
Washington, D.C. 20036
Telephone: (202) 452-4817

Its Counsel

Date. December 9, 2003

² As demonstrated by the attached statement from HBC L/C's consulting engineer, from the current site (see BLH-20031015ADZ), Station WVIX's principal community contour completely encompasses the community of Lemont.

TECHNICAL STATEMENT
IN SUPPORT OF
A PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
LEMONT, ILLINOIS

This Technical Statement and associated exhibits have been prepared on behalf of HBC License Corporation (herein "Petitioner"), licensee of FM station WVIX(FM), in support of a Petition for Rule Making ("Petition") to amend Section 73.202(b) of the FCC Rules by the re-allotment of Channel 228A from Joliet, Illinois to Lemont, Illinois. The requested change to Channel 228A at Lemont is mutually exclusive with the present allotment of Channel 228A at Joliet; therefore the provisions of Section 1.420(i) of the FCC Rules are applicable.

The following is a summary of the re-allotment proposal:

- The city of Lemont (2000 Census population 13,098) will be provided with its first local aural transmission service.
- The city of Joliet will continue to be served by three local FM broadcast stations and two local AM broadcast stations.
- Both Joliet and Lemont are partially located within the Chicago, Illinois 2000 Census defined urbanized area.

Proposed Change in Table of Allotments

Station WVIX(FM) is currently authorized to operate on Channel 228A at Joliet with an effective radiated power (ERP) of 6 kW and an antenna height above average terrain (HAAT) of 100 meters^{*}. Joliet is located in Will and Kendall Counties[†],

^{*} WVIX(FM) is operating at its construction permit ("CP") facility with an application for license pending. The instant petition is based on WVIX(FM)'s operation from the CP site, which is expected soon to be licensed. See FCC File No. BLH-20031015ADZ.

[†] Joliet is located almost entirely within Will County.

Illinois and has a 2000 U S Census population of 106,221 persons. In addition to WVIX(FM), Joliet is provided local aural service from broadcast stations WCSF(FM), Channel 204A (non-commercial educational); WJCH(FM), Channel 220B (non-commercial educational), WLII-FM, Channel 244A; WJOL(AM), 1340 kHz; and, WWHN(AM), 1510 kHz.

The city of Lemont is located approximately 20 km northeast of Joliet in Cook and DuPage Counties. Lemont has a 2000 U.S. Census population of 13,098 persons.[†] The community has its own ZIP Code of 60439. Lemont has no local AM or FM broadcast services. Petitioner's proposal would bring a first local aural broadcast service to Lemont. The proposal would change the FM Table of Allotments as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Joliet, Illinois	228A, 244A	244A
Lemont, Illinois	--	228A

Compliance with FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of Channel 228A at Lemont. The reference site[§] complies with the Commission's minimum distance separation requirements contained in Section 73.207 to all existing, authorized and proposed stations and allotments with the exception of short-spacings to WXRT-FM, Chicago, IL, Channel 226B, and, WLIT-FM, Chicago, IL, Channel 230B. These two short-spacings are in the category of pre-1964 "grandfathered" short-spacings. The Commission now allows a station to change its community of license despite the presence of pre-1964 grandfathered short-spacings.^{**} Operation from the allotment

[†] Lemont is located almost entirely within Cook County.

[§] The reference site is the WVIX(FM) transmitter site at coordinates 41-36-39 N / 88-00-33 W.

^{**} See *Worcester and Westborough, Massachusetts*, DA 03-3554, MM Docket No. 02-49, RM-10220 (rel November 14, 2003).

reference site will provide the requisite city grade signal to the entire city of Lemont^{††}
See Figure 2

Pursuant to Section 1.420(1), the Commission will consider petitions to modify the license/construction permit of an FM station to specify a new community if the proposed allotment would be mutually exclusive with the present assignment. Per Section 73.207 of the FCC Rules, the separation requirement of co-channel stations, Class A to A, is 115 km. Since the allotment reference site is identical to the WVIX(FM) authorized transmitter site, the new allotment would be short-spaced by 115 km to the existing WVIX(FM) assignment and, therefore, is mutually exclusive with the existing assignment. There is no change in the proposed transmitter site, therefore no new short-spacings would be created and no existing short-spacings would be exacerbated.

Urbanized Area Considerations

Both Joliet and Lemont are located partially within the Chicago Urbanized area. The 70 dBu allotment contour for both the authorized and the proposed operations will encompass 10.6% of the Chicago Urbanized Area.^{‡‡} There is no change in the WVIX(FM) predicted 70 dBu allotment contour as a result of the instant proposal.

Gain and Loss Areas and Available Aural Services

Since there is no change in transmitter site, there are no gain and loss areas to be considered. However, it is noted that the entire WVIX(FM) 60 dBu allotment contour service area is well-served by no less than 8 and as many as 29 other fulltime AM and FM aural broadcast services.^{§§}

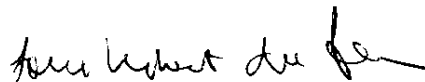
^{††} The city limits of Lemont are based on the 2000 U.S. Census TIGER mapping database.

^{‡‡} Urbanized Area based on 2000 U.S. Census TIGER mapping database.

^{§§} Based on Class A (former Class I) AM broadcast stations that provide no less than 2 mV/m groundwave coverage both daytime and nighttime. Lesser classes of AM broadcast stations not considered for the purposes of this analysis.

Conclusion

Channel 228A can be re-allotted from Joliet, Illinois to Lemont, Illinois in compliance with all applicable Commission Rules and Regulations. The proposal will result in first local aural service to Lemont. Therefore, Petitioner requests the re-allotment of Channel 228A to Lemont and the modification of the Petitioner's license to specify operation on Channel 228A at Lemont.



Louis Robert du Treil, Jr., P.E

du Treil, Lundin & Rackley, Inc.
201 Fletcher Ave.
Sarasota, Florida 34237

December 6, 2003

Figure 1

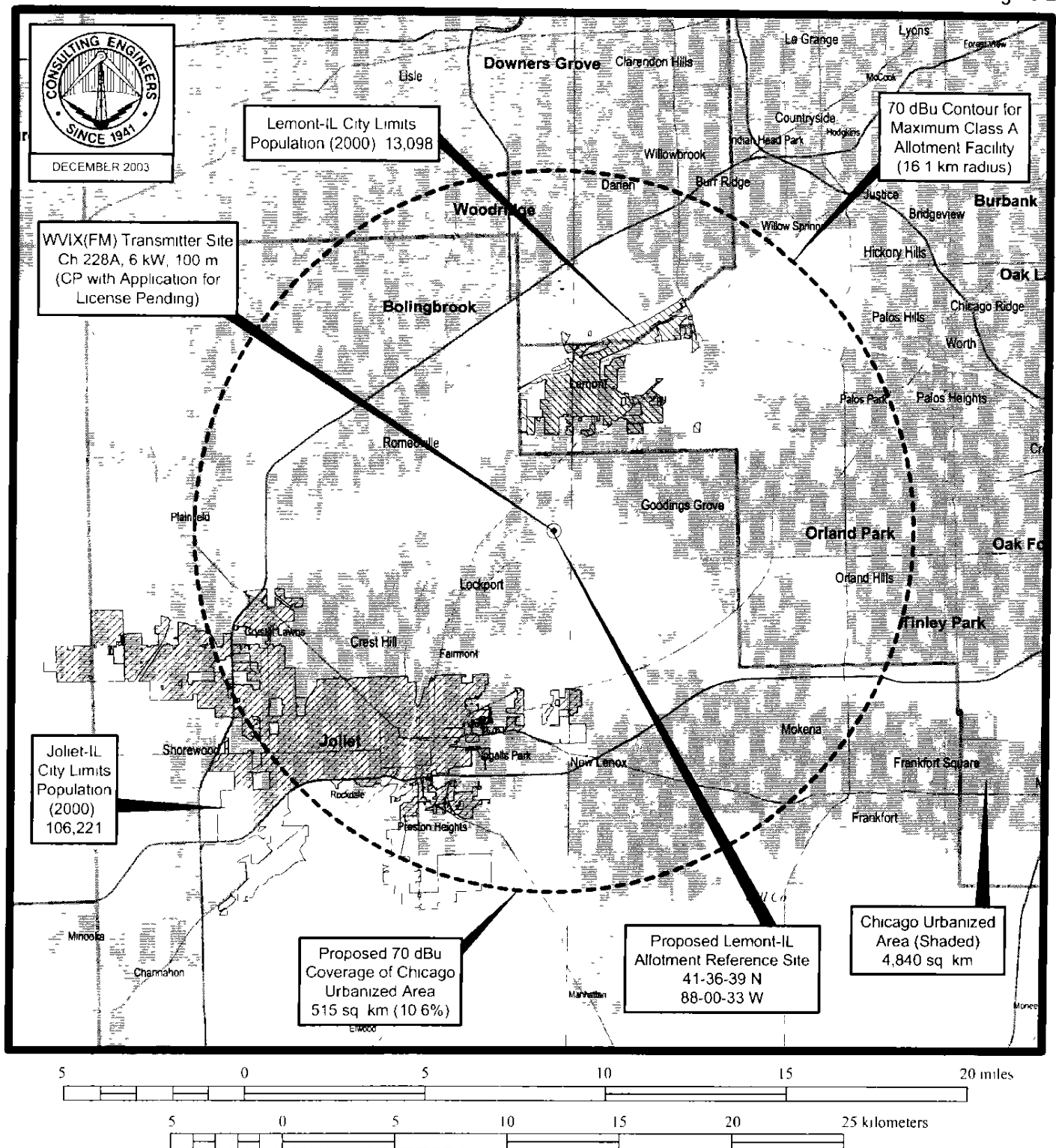
TECHNICAL STATEMENT
IN SUPPORT OF
A PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
LEMONT, ILLINOIS

Allocation Study for Channel 228A at Lemont

Job Title:
Channel 228 A

Separation Buffer: 25 km
Coordinates: 41-36-39 088-00-33

Call Id	City St	File Status	Num	Channel ERP Freq HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
WXRC-F CHICAGO 16853	IL	LIC C	19810930AF	226 B 6.700 93.1 399	Y	41-53-56 087-37-23	N	44.9	45.33 -23.67	69.0 Short
<i>(Pre-1964 grandfathered short-spacing)</i>										
WVIX JOLIET 48443	IL	CP C	20020822ABT	228 A 6.000 93.5 100	N	41-36-39 088-00-33	N	90.0	0.00 -115.00	115.0 Short
<i>(Petitioner's authorized facility Application for license pending.)</i>										
WVIX JOLIET 48449	IL	LIC C	19980925KC	228 A 3.000 93.5 84	N	41-32-06 088-03-15	N	204.0	9.22 -105.78	115.0 Short
<i>(Petitioner's former site.)</i>										
WTRX-F PONTIAC 37818	IL	LIC C	19950117KB	229 B1 12.000 93.7 144	N	40-45-27 088-37-40	N	208.8	108.05 12.05	96.0 Close
WLIT-F CHICAGO 13042	IL	LIC C	20000119ABJ	230 B 4.000 93.9 482	N	41-52-44 087-38-08	N	46.0	43.04 -25.96	69.0 Short
<i>(Pre-1964 grandfathered short-spacing)</i>										
WGFA-F WAUSEKA 29203	IL	LIC C	19970711KC	231 B 50.000 94.1 111	N	40-47-37 087-45-17	N	166.7	93.23 24.23	69.0 Clear



70 dBu COVERAGE WITH URBANIZED AREA

STATION WVIX(FM)
LEMONT, ILLINOIS
CHANNEL 228A